

1862-055 Chancery Causes: John D. Sharp vs. Henry C. Fugate &c
Lee Co.

Moreyhus

CA-Debt

T-Property

To the Hon John A Kelly Judge of the circuit
court of Lee County Virginia

Your Orator John D. Sharp assignee of James
M. Moneyhun humbly complaining respectfully
sheweth unto your honor that one Henry C. Fugate
is justly indebted to him as assignee aforesaid
in the sum of One hundred and Thirty Seven
dollars and fifty cents with legal interest thereon
from the 28th day of October 1876, till paid subject
to a credit of \$17.73 paid Oct. 6th 1879 and \$40.00 paid
March 9th 1880 To show which your Orator will
here state that said Henry C. Fugate on the 28th
day of October 1876 executed his bond under seal
to James M. Moneyhun, which is herewith filed as
a part of this bill marked (A) by which said Fugate
bound himself his heirs &c. by the first day of March
1879. with interest from date, to pay said James
M. Moneyhun said sum of \$137.50 it being the two
and last payments on a tract of land for value received,
and as to said debt the said Fugate waived the benefit
of his homestead exemption. Your Orator further
states that by a writing bearing date June 19th 1879
endorsed on the back of said bond said James M. Mon-
eyhun for value then received of your Orator assigned
said bond to him as will be seen by reference to said
exhibit (A) Your Orator further states that the whole
of the debt evidenced by said bond is now due and
owing to him subject to said two credits no other or
further payments having been made thereon either

to said Moneyhun before said assignment was made or to your Orator since. Your Orator further states that the bond aforesaid was executed by said Fugate to said Moneyhun as the third and last installment of the purchase price of a certain lot or parcel of land lying and being in said county of Lee on the north side of Pawells river near the Ferry landing on the Fincastrle road about 5 miles east of Jonesville and containing about 16 acres more or less.

Your Orator further states that at the date of these transactions the legal title to said land was in one Emily Poter wife of James W. Poter. by whom the same was sold to one M^r. B. Moneyhun and by him the same was sold to said James M. Moneyhun and by him the same was sold to said Henry C. Fugate who is now and has all the time been in the peaceable and undisturbed possession thereof.

Your Orator further states that by proper deed bearing date December the 18th 1877 the said James W. and Emily Poter have conveyed said lot or parcel of land to the said Henry C. Fugate, and the deed by which this transfer was made is herewith filed as a part hereof marked (B). Your Orator further states that the said James W. and Emily Poter reserved the reversion in upon said land in favor of said James M. Moneyhun for the unpaid purchase money of which the bond aforesaid constitutes the last installment.

These being the facts of the case your Orator is advis

—ed that he as the assignee of said James M. Money has a direct and specific lien on said lot or parcel of land which a court of equity will enforce, and to attain that end is the object of this suit.

Your Orator prays therefore that said Henry C. Fugate and James M. Money be made parties defendant and be required to answer this bill fully upon oath. That upon a hearing thereof a decree be rendered in favor of your Orator against said Henry C. Fugate for \$137.50 with interest from Oct the 28th 1876 till paid and the costs of this suit, subject to said two credits, and that said land be decreed to be sold to pay the same or so much thereof as may be necessary for that purpose, and if your Orator is in anywise mistaken in his specific prayer then he prays for all general and particular relief and such as is competent for a court of equity to administer May the Court with its writ of *Sp. issue* direct &c.

Ayers + Morgan for
Plff

Orr clk \$ 3.87 July 1884
 Att 15.00
 S 1.00
 H.C. 2.00
 \$21.87
 Co. 6. 25
 \$22.12

John D. Sharpe

vs Bill in Chy

Henry C. Furgate et al

1881 Feb. Bill Filled Spd
 Executed & Decees nisi
 " Mar. D. N. Confirmed & set
 for hearing by Pltff.
 " Mar. Decees contd
 " Aug contd

1882. March Decees final
 Chy. O. B. 230

Chy 62 C

\$137.50

By first day of March 1879 I bind my self heirs
& C To pay J. M. Maney ^{one hundred & thirty seven}
dollars & fifth cents ^{with interest from date} being the third and last payment
on a tract of Land ^{by} receive the benefit of
my home stead and all other property then ^{as}ptions
as to this debt for value recd this the 28th Oct 1876

H. C. Hugate ^{Deed}

I hereby assign
The within note
to J. D. Sharps for
value received

This June 19th 1877

J. M. Manyples

1880 March 9 By J. D. Sharps
of dar
to Saml. B. Terry \$10.00 which
Terry & H. C. Fugate both agree
shall be placed here as evidence

Net 6-1879 By Bal for price of
Wool coll \$17.73 after lifting
Small note of 54¢. Wm.

H. C. Fugate
Note \$ 137.50
due March
1879 —

John D. Sharp Poff }
 vs. } In Chancery
 Henry C. Fugate & al Defts }

This cause came on again to be further heard on the papers formerly read. And the counsel for the plaintiff admitting in open court that the debt sued on had been fully paid except the sum of 86 cents and the costs of suit and the same appearing by a Statement and calculation of said debt filed among the papers of the cause, and the Poff being ^{calling} to take an execution against the defendant Fugate for \$21.52 the balance of said debt and the costs of this suit due to April 4-1881. And the same being agreed by counsel. On Consideration thereof, it is adjudged ordered and decreed that execution be awarded the Poff against the deft Fugate for \$21.52 with interest thereon from January 9-1882 till paid and for all such costs as may have accrued since April 4-1881. and no further action being necessary. This cause is Stricken from the docket. with leave to the plaintiff to have the same re-instated on the docket should said execution prove ^{the plaintiff} unavailing to enforce said debt & costs.

John D. Shupe

or { Decree - final

H. C. Fugate & al

Entered Page 230

J. H. Hyatt
Clerk

Enter this decree

J. H. K.

Mar 30/82

John D. Sharpe Peffer
 vs } In Chancery
 Henry B. Fugate & al Defts.

This cause came on to be heard this day on the bill of the Peffer taken as confessed by the defts and exhibits therewith, and was argued by counsel & on consideration thereof it is adjudged ordered & decreed that the plaintiff recover of the defendant Henry B. Fugate \$137.50 the debt in the bill mentioned with legal interest thereon from the 28th day of Oct. 1876 till paid and the costs of this suit. Subject to the following credits \$17.73 paid Oct 6 1879. and \$40.00 paid March 9 1880. And it appearing from exhibit (B) filed in the cause that there is a specific lien on the 16 acres of land therein mentioned to secure the debt sued on. It is therefore further adjudged ordered and decreed that unless the sum above decreed the plff be paid to him within 30 days from the rising of the court that said land be sold on a credit of 6 and ¹² months ^{time} with interest from day of sale or so much thereof as may be necessary for that purpose except as to the costs of suit and sale which will be required to be paid in hand. And H. J. Morgan is hereby appointed a com. to make said sale which shall be at public outcry, to the highest bidder, at the Co. H. door before ~~the person~~ ^{the person} ~~and he~~ ^{and he} will advertise the time terms and place of sale 30 days prior thereto, and he will report his action to the court and the cause is continued.

John D. Sharpe

vs. { Decm

H. C. Fugate tal

Entered Page 173

Jno C. Orr, D.C.

Enter this

J. O. S.
April 4th 81
H. C. Fugate

The Commonwealth of Virginia.

To The Sheriff of Lee County, Greeting!

We command you to summon

Henry C. Fugate & James M. Moneyhun

To appear at the Clerk's Office of the Circuit Court of Lee county, at the Court House, on the first Monday in *Feb*
next, being ^{day} rule, to answer a bill in Chancery, exhibited in our said Court against *them* by

John D. Sharpe

And have then there this writ. Witness JAMES W. Orr, Clerk of our said Court, at the Courthouse, this *31st*
day of *Jan'y* 1881, in the 10⁵ year of the Commonwealth.

James W. Orr Clerk.

On the 3rd day of February 1881. I delivered a copy
hereof to H.C. Fugate and on the same day I delivered
a copy to the wife of J. M. Moneyham she being a white
person over the age of 21 years and explaining the
same to her, she said Moneyham not being found
at his usual place of abode

James Mills D for
Thos. S. Ely S.L.C.

John D. Sharp

vs E. S. in Chy

Henry C. Fugate et al

Feb. Rules 1881.

Executed by delivering
a copy of the within to
the within named
parties. Feb'y, 3rd 1881
J. Miles D. P. for T. S. Ely
S.L.C.